

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-21

As Secretary to the Commission, I hereby certify that on OCT - 6 2008 copies of this Z.C. Corrected Notice of Public Hearing were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|---|
| 1. D.C. Register | 6. Councilmember Mary M. Cheh |
| 2. Phil Feola, Esq.
Christine Roddy, Esq.
Pillsbury, Winthrop, et al
2300 N Street, N.W.
Washington, D.C. 20037 | 7. Office of Planning (Harriet Tregoning) |
| 3. Elizabeth Sandza, Chair
ANC 3D
P.O. Box 40846 -Pallisades Station
Washington, DC 20016 | 8. DDOT (Ken Laden) |
| 4. Commissioner Ann Haas
ANC/SMD 3D09
1601 45 th Street, N.W.
Washington, DC 20007 | 9. Zoning Administrator (Matthew LeGrant) |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 10. Jill Stern, Esq.
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 11. Office of the Attorney General
(Alan Bergstein) |
| | 12. MLK Library (30 copies) |
| | 13. Property Owners Within 200 Feet
(see attached list provided by Applicant) |

ATTESTED BY:

Sharon S. Schellin

Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO.

08-21

EXHIBIT NO.

9

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED¹ NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, December 1, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 08-21 (Athena Group, LLC – Consolidated Review of a Planned Unit Development and Related Map Amendment @ Square 1356)

THIS CASE IS OF INTEREST TO ANC 3D

On November 8, 2007, the Office of Zoning received an application from Athena Group, LLC, through Saimac Development LLC, together with Washington MacArthur Associates (the “Applicant”) seeking approval to modify a PUD previously approved pursuant to Zoning Commission Order No. 21. On June 9, 2008, the Zoning Commission dismissed the PUD modification application, but with the Applicant’s consent, set the project described in the application down on June 9, 2008, as a new PUD application and assigned it Case No. 08-21. On July 28, 2008, the Applicant simultaneously submitted an application for consolidated review and approval of a PUD and related map amendment to the R-5-A Zone District from the underlying split zoning of R-1-B and R-5-A, and its pre-hearing statement for the project.

The property that is the subject of this application is located at 4460 MacArthur Boulevard and is more particularly known as Square 1356, Lots 28, 929, 932, and 933 (the “Subject Property”). The Subject Property is located in the Palisades neighborhood of Ward 3 and has an approximate land area of 121,000 square feet. The Applicant proposes the construction of 37 residential units consisting of approximately 118,250 square feet of gross floor area. The project will have a maximum height of 48 feet, a lot occupancy of 30%, and a floor area ratio of .98. The Applicant seeks relief from the rear and side yard setback requirements. It also seeks approval to establish theoretical lots for the residential units.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit

¹ Corrects the ANC (3D instead of 6D) this case is of interest to. No other changes were made.

the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;

- (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's pre-hearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

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|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR.,
MICHAEL G. TURNBULL, AND PETER G. MAY ----- ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA,
DIRECTOR AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING
COMMISSION.**

United States of America
National Park Service
Mr. John Parsons, Director
1100 Ohio, DR, SW
Washington, DC 20242-0001

John J O'Neill III
6018 Utah Avenue, NW
Washington, DC 20015-1619

I B Neff
1808 Old Meadow Rd., Apt 206
McLean, VA 22102-1826

Foxhall Crescent Homeowners Assoc Inc
c/o Millicent Chatel Inc
3210 N St NW
Washington, DC 20007-2829

4434 Macarthur Boulevard LLC
4434 Macarthur Blvd., NW
Washington, DC 20007-2516

BettyAnn Lippman
4408 Washington Blvd
Arlington, VA 22201-4776

George G Moore
4464 MacArthur Blvd., NW
Washington, DC 20007-2516

Adrienne O Hurt
4432 Lingan Rd., NW
Washington, DC 20007-2513

Viktor Pregel
4462 Macarthur Blvd., NW
Washington, DC 20007-2516

Mychail D Cohen
4430 Lingan Rd., NW
Washington, DC 20007-2513

Philip C Guzzetta
4598 Laverock Pl NW
Washington, DC 20007

William B Whitman
4428 Lingan Rd., NW
Washington, DC 20007-2513

District of Columbia
1133 N Capital Street, NE
Washington, DC 20002-7561

Gregory P Tomasso
4426 Lingan Rd., NW
Washington, DC 20007-2513

Foxhall Lofts LLC
3905 Mansion Ct., NW
Washington, DC 20007-2153

Chandler L Van Orman
4424 Lingan Rd., NW
Washington, DC 20007-2513

William F Maughan
2920 Brandywine St., NW
Washington, DC 20008-2138

Helen Azzam
4422 Lingan Rd., NW
Washington, DC 20007-2513

Robert Weaver Trustees
& Merle D Weaver Trustees
8922 Mount Patapsco Ct
Ellicott City, MD 21042-1856

Kathleen A Chadbourne
4420 Lingan Rd., NW
Washington, DC 20007-2513



Glen Rochkind
4418 Lingan Rd., NW
Washington, DC 20007-2513

Abdo A Aldairi
4606 Laverock Pl., NW
Washington, DC 20007-2544

Weston A Williams
4416 Lingan Rd., NW
Washington, DC 20007-2513

Dominique Casimir Castro Trustee
1000 Uptown Park Blvd., Apt 262
Houston, TX 77056-3243

Michael A Shapiro
4414 Lingan Rd NW
Washington, DC 20007-2513

Georgetown Day School Inc
c/o Peter M Branch
4200 Davenport St., NW
Washington, DC 20016-4560

Nirmal S Kumar
4412 Lingan Rd., NW
Washington, DC 20007-2513

Robert P Materazzi
4610 Laverock Pl., NW
Washington, DC 20007-2544

Stephen E Banker
4410 Lingan Rd., NW
Washington, DC 20007-2513

Flora Chow
4612 Laverock Pl., NW #220
Washington, DC 20007-2544

Foxhall Square Homeowner AC
c/o Millicent Chatel Assoc.
3210 N Street, NW
Washington, DC 20007-2829

Ann S Barry
4614 Laverock Pl., NW
Washington, DC 20007-2544

Georgetown Day School Inc
c/o Peter M Branch
4530 MacArthur Blvd., NW
Washington, DC 20007-4202

Gerald R Ives
4616 Laverock Pl., NW
Washington, DC 20007-2544

Mark N Myers
4600 Laverock Pl., NW
Washington, DC 20007-2544

Alexander C Chester II
4618 Laverock Pl NW
Washington, DC 20007-2544

Robert E Tucker, Jr
4602 Laverock Pl., NW
Washington, DC 20007-2544

Elizabeth I Board
4620 Laverock Pl., NW
Washington, DC 20007-2544

Aaron S Katz
4604 Laverock Pl., NW
Washington, DC 20007-2544

Richard Umbdenstock
4622 Laverock Pl., NW
Washington, DC 20007-2544

John F Garcia
4624 Laverock Pl., NW
Washington, DC 20007-2544

President/Director
Condo Association
4400 MacArthur Blvd., NW
Washington, DC 20007-2521

Michael R Girardi
4623 Laverock Pl., NW
Washington, DC 20007-2544

Sandra C Oken
9725 Beman Woods Way
Potomac, MD 20854-5461

Robert Stribling
4621 Laverock Pl., NW
Washington, DC 20007-2544

Linde M Barrett
c/o Frank Emmet RE Inc
8609 2nd Ave Ste 502
Silver Spring, MD 20910-3360

Munir Turunc
4619 Laverock Pl., NW
Washington, DC 20007-2544

Laverne Myren
1430 Foxhall Rd., NW
Washington, DC 20007-2005

Mark D Ein
4617 Laverock Pl., NW
Washington, DC 20007-2544

Kay Casstevens
1418 Foxhall Rd., NW
Washington, DC 20007-2005

Mark Keller
4615 Laverock Pl., NW
Washington, DC 20007-2544

Karen Fisher
1428 Foxhall Rd., NW
Washington, DC 20007-2005

Xian L Zeng
4611 Laverock Pl., NW
Washington, DC 20007-2544

Teresa Velazquez
1426 Foxhall Rd., NW
Washington, DC 20007-2005

Canal View Owners Associates Inc
PO Box 40414
Washington, DC 20016-0414

Anthony Valazquez
1426 Foxhall Rd., NW
Washington, DC 20007-2005

Maro Sarafian
4520 Ligan Rd., NW
Washington, DC 20007-2549

Christos Kapetanakos
4431 MacArthur Blvd., NW
Washington, DC 20007-2564

Benjamin S Shaffer
4522 Ligan Way NW
Washington, DC 20007

Gene B Worley
33 Wynwood Dr.
Mountville, PA 17554-1647



A Tharmaratnam
3 Derbyshire CT
Bethesda, MD 20817-1533

Ronald L. Steinert
1592 Michael Lane
Pacific Palisades, CA 90272-2026

Stephanie Z Smith
4437 MacArthur Blvd., NW
Washington, DC 20007-2564

John D. Buffington
4419 MacArthur Blvd., NW
Washington, DC 20007-2564

Edwin E Tritch Jr Trustee
6 Kathleen Ct.
Sparta, NJ 07871-1437

Stephen D. Huang
4417 MacArthur Blvd., NW
Washington, DC 20007-2564

Julia M Gajcak
4441 MacArthur Blvd., NW
Washington, DC 20007-2564

Andrew J. Chassaing
4451 MacArthur Blvd., NW
Washington, DC 20007-2564

Colleen M Rodak
4449 MacArthur Blvd., NW
Washington, DC 20007-2564

Edwin J. Weathers
4461 MacArthur Blvd., NW
Washington, DC 20007-2564

Alexis Konownitzine
4447 MacArthur Blvd., NW
Washington, DC 20007-2564

SKYE LLC
3308 R Street, NW
Washington, DC 20007-2309

Martin Fleischer
4447 MacArthur Blvd., NW
Washington, DC 20007-2564

Jean Malaplate
7315 Wisconsin Ave., Ste. 603
Bethesda, MD 20814-3202

Darrell M Ayers
4457 MacArthur Blvd., NW
Washington, DC 20007-2564

Lea Dawn E c/o Pardoe
Attn: M. Schmitt
2828 Pennsylvania Ave., NW
Washington, DC 20007-3719

P A Putech
c/o Schlosberg Properties
3411 Dent Pl., NW
Washington, DC 20007-2715

Foxhall Associates LLC
6833A Eastern Ave.
Takoma Park, MD 20912-4440

Hans J. Paris
4423 MacArthur Blvd., NW
Washington, DC 20007-2564

Sandra C. Oken Trustee
9725 Beman Woods Way
Potomac, MD 20854-5461



President/Director Condo Association
4471 MacArthur Blvd., NW
Washington, DC 20007-2554

ANC 3D
PO Box 40846 Palisades Station
Washington, DC 20016

